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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,913	12/08/2003	Takashi Koizumi	Q78778	9283

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

OSELE, MARK A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,913

Applicant(s)

KOIZUMI ET AL.

Examiner

Mark A Osele

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 11-19 is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12082003, 05202004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Takahaski. Takahaski shows the method of peeling a protective sheet from a laminate (O-S) comprising: conveying the sheet and protective sheet in a first direction (Figs. 6(I)-6(II)); curving the laminate along a portion of a first roller, A, which portion is set on the conveying path (Fig. 6(III)); after a leading end of the laminate has passed the first roller abutting the sheet with a second roller, B, rotating in a direction opposite to the predetermined conveying direction thereby applying conveying force in a direction opposite the predetermined conveying direction to peel the protective sheet from the sheet (Figs. 6(IV)-6(V)); and conveying the peeled off layer, S, along a path (Fig. 6(VI)) forked-off from the predetermined conveying path

Art Unit: 1734

(column 3, line 57 to column 4, line 57). It is unclear whether the layer O or the layer S is the protective sheet, but it would have been obvious to one of ordinary skill in the art that either layer could be peeled from the other dependent upon considerations such as relative stiffness of the two layers.

4. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Takahaski as applied to claim 9 above, and further in view of the admitted prior art. As shown in paragraph 3 above, Takahaski shows the claimed limitation but fails to disclose the sheet to be a printing plate precursor. The admitted prior art teaches that it is necessary to use an automated system for peeling protective sheets from printing plate precursors (Instant specification, page 2, lines 12-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of Takahaski for printing plate precursors because it has been shown to be effective for separating a sheet from a protective sheet and this is required for processing printing plate precursors.

Allowable Subject Matter

5. Claims 1-8, 11-19 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art teaches the instantly claimed apparatus wherein a laminate is curved around a roller in the conveying path and thereafter a roller rotating

Art Unit: 1734

in an opposite direction is moved from distant spot into engagement with the laminate to peel the protective sheet from the laminate.

Specification

7. The attempt to incorporate subject matter into this application by reference to Japanese Patent Application 2002-358286 is improper because only published foreign patents or applications can be incorporated by reference. Appropriate correction is required.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both references to Stievenart, Blow, Jr., Binder, Tveit et al., Watanabe, Van Allen et al., Carpenter, and Schuh et al. each show apparatuses for peeling a protective layer from a sheet using either rollers rotating reverse to the conveying direction or rollers moving into the conveying path to peel the protective sheet.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone

Art Unit: 1734

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark A. Osele', is positioned above the printed name and title.

MARK A. OSELE
PRIMARY EXAMINER

March 20, 2005